

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**BRADLEY LOCKENVITZ, JOHN H.  
LOCKENVITZ, SARAH B.  
LOCKENVITZ, LARRY CEDER, NANCY  
CEDER, AARON CEDER, LORI KLOOZ,  
PHYLLIS JOAN CEDER, ANTHONY  
CEDER, MELODIE CARLIN, and FAITH  
OBERG,**

**Plaintiffs/Counter Defendants,**

**vs.**

**UNITED STATES OF AMERICA,**

**Defendant,**

**and**

**TODD VAN HOUSEN, and CARLENE VAN  
HOUSEN,**

**Defendants/Counter  
Claimants.**

**8:24CV03**

**MEMORANDUM  
AND ORDER**

Plaintiffs filed this action against Todd and Carlene Van Housen in the District Court of Merrick County, Nebraska, seeking to quiet title on property located in Merrick County. In 2017, the Van Housens granted a Warranty Easement Deed to the United States under the Wetlands Reserve Program (“the Conservation Easement”); the property included in the Conservation Easement is a portion of the property in dispute between Plaintiffs and the Van Housens.

On July 25, 2023, the United States and the Plaintiffs entered into an Agreement to maintain the Conservation Easement regarding the property that was put at issue in this lawsuit. On December 4, 2023, Plaintiffs filed a Second Amended Complaint in state court adding the United States as a party. The United States thereafter removed the action to this Court on January 3, 2024. ([Filing No. 1](#)).

The parties have now stipulated to dismissing the United States as a party with prejudice, agreeing that the United States’ interest of the Conservation Easement will be maintained

regardless of the outcome of this litigation. ([Filing No. 16](#)). In the parties' Rule 26(f) Report,<sup>1</sup> they agree that following the dismissal of the United States as a party, this matter should be remanded to the District Court of Merrick County for resolution of the remaining claims on the merits. ([Filing No. 15](#)). After review of the parties' stipulation ([Filing No. 16](#)) and Rule 26(f) Report ([Filing No. 15](#)), the Court will grant the motion to dismiss the United States as a defendant, and will remand this action to the District Court of Merrick County for further proceedings. Accordingly,

**IT IS ORDERED:**

1. The Stipulation of Dismissal of Defendant United States of America ([Filing No. 16](#)) is granted.
2. Plaintiffs' claims against the United States of America are dismissed with prejudice.
3. This case is remanded to the District Court of Merrick County, Nebraska.
4. The parties will bear their own attorney fees, costs, and expenses.
5. A separate judgment will issue.

Dated this 22<sup>nd</sup> day of April, 2024.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge

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<sup>1</sup> Wherein the parties voluntarily consented to have the undersigned magistrate judge conduct all further proceedings, including entry of final judgment, pursuant to 28 U.S.C. § 636(c).